

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-CV-11193-NG

SHAWN DRUMGOLD,)
)
Plaintiff)
)
vs.)
)
CITY OF BOSTON, ET AL.,)
)
Defendants)
)

**DEFENDANT TIMOTHY CALLAHAN'S MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Now comes the defendant, Timothy Callahan, and respectfully requests that the Court grant him partial summary judgment on so much of the plaintiff's complaint that: (1) accuses Callahan of deliberately withholding information regarding the health of trial witness Mary Alexander, (2) accuses Callahan of withholding information that trial witness Ricky Evans was housed in a hotel at the time of trial, and (3) accuses Callahan of having intimidated or coerced unnamed witnesses into cooperating with the prosecution or refusing to cooperate with the defense. Callahan also moves for summary judgment on Count II, alleging conspiracy to violate civil rights, in its entirety, and on Count IV, alleging violations of the Massachusetts Civil Rights Act. Finally, Callahan moves for qualified immunity with respect to the claim that he withheld information regarding Evans's housing.

Callahan does not move for summary judgment on the claims that he influenced the testimony of Ricky Evans because those claims are disputed facts, although he absolutely denies the truth of those allegations.

Further support for this Motion is provided in the accompanying Memorandum of Law.

Respectfully submitted,
Defendant Timothy Callahan
By his attorney,

____/s/ Mary Jo Harris_____
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Dated: October 1, 2007